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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003160

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SUBJECT: NEXT STEPS FOR MINORITIES IN PROVINCIAL ELECTIONS

Classified By: Political Minister Counselor Robert Ford for Reasons 1.4  
(b) and (d).

11. (C) Summary: The United Nations Assistance Mission for Iraq (UNAMI) has agreed to assist parliament with resolving the issue of minority representation for the upcoming provincial council elections. UNAMI is hoping that this can be achieved through a political agreement and an election commission implementation regulation rather than an amendment to the recently passed elections law, which could delay provincial elections. Provisions for ensuring minority representation -- most likely through provincial seat set-asides -- need to be established before the candidate registration and ballot design processes begin. These provisions need to be decided by mid-October in order to conduct elections by January 31, 2009. Christian minority leaders admit that their own disunity contributed to the deletion of the article in the draft law that had reserved seats for minorities in the provincial councils. There have been peaceful demonstrations by Christians in Mosul and Baghdad calling for its reinstatement. End Summary.

12. (C) On September 24, the Council of Representatives (CoR), over the objections of the Christian and other minority Members, passed the provincial council election law without Article 50, which mandated specific numbers of seats for minorities on the Baghdad, Ninewa, Basrah, and Kirkuk provincial councils. In response to the subsequent minority outcry, CoR Speaker Mashadani tasked the Independent High Electoral Commission (IHEC) with developing an "administrative solution" to address minority concerns. UNAMI, as an advisor to the IHEC, has agreed to review the issue and make recommendations.

13. (C) UNAMI is now determining the appropriate mechanism to address the minority issue. UNAMI Electoral Affairs Officer Richard Gee told PolOffs September 28 that he hoped the issue could be resolved through a political agreement that would allow IHEC to codify minority representation through implementing electoral regulations as opposed to an amendment to the elections law. (Note: There is precedence for this: there were no provisions for reserved seats for minorities in the CPA election law used for the January 2005 provincial council elections, but the IECI, precursor to the IHEC, used implementing regulations to set aside minority CoR seats. End Note.) Modalities for minority representation need to be agreed upon before mid-October in order to begin candidate registration. Any delay in that process could jeopardize the holding of elections by January 31, 2009. If the law needs to be amended, the amendment will need to go through the standard procedure of three readings before it comes to a final vote. This could significantly delay election preparations, which are already on an extremely tight timeline to meet the January 31 deadline set in the law. UNAMI's chief electoral advisor told us that UNAMI believes the Presidency Council could reinstate Article 50 if there is agreement to do so from the CoR bloc leaders. (Comment: We pointed out that, under the Iraqi constitution, the Presidency Council does not have this power. The advisor rejoined that "this is Iraq -- anything is possible." End Comment.)

¶4. (C) Gee said UNAMI will use the seat allocation formula from the excluded Article 50 as a starting point. After reviewing the minorities report recently issued by the Ministry of Human Rights and other data, UNAMI will submit its recommendation to CoR Speaker Mashadani. Gee believes this process should be concluded in the next week. He also shared UNAMI's theory on why Article 50 was dropped from the final version of the bill: the original article, included in the bill at the last minute on July 22, was used to obtain Christian support of the Turkomen/Sunni Arab version of Article 24 on Kirkuk. Once Article 24 was agreed upon, there was no need to retain Article 50 -- without which there would be more provincial council seats available for the political party blocs.

¶5. (C) By contrast, Ablahad Afram Sawa, Chaldean Democratic Union Party CoR member (Kurdish Alliance) claimed to PolOff on September 26 that the exclusion of Article 50 had been planned well in advance; he had known about it five days before the vote and had fought the exclusion. Sawa claimed that Shia coalition leaders wanted Article 50 removed from the July 22 election law draft, but were too embarrassed to say so. Sawa also faulted some minorities for their own disorganization and disunity, which he said contributed to the article being excluded. He believes Mashadani's plan to write an appendix to the law is futile since the majority of CoR members voted to remove Article 50. He said he has called Chaldean bishops in California and Michigan to ask the USG to pressure the GOI over this issue. Christians in Mosul and Baghdad have already held peaceful demonstrations calling for the reinstatement of

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Article 50.

¶6. (C) In a separate conversation, Christian journalist and ADM member William Warda said on September 28 that the Article 50 deletion was the result of politicians focusing solely on the Kirkuk issue and forgetting about minorities. He believed establishing minority quotas would be at the expense of the political blocs, which now include some minority members. He echoed Sawa's belief that the minorities themselves were also at fault for not unifying behind Article 50 inclusion. He believed that Sawa should have worked the issue more publicly in both the CoR and media. According to Warda, Iraqi's "sectarian mentality" makes the imposition of quotas necessary if minorities are going to be able to represent themselves.

¶7. (C) Comment: Although Gee expressed a sense of urgency in resolving this matter, he did not appear concerned that the issue would derail or inordinately delay the provincial elections. President Talabani's political advisor Jallal al-Mashta told us that the Christians have been lobbying hard to get the president to veto the law. Mashta said he had advised Talabani that a consensus on Article 24 was more important and there would be other ways to rectify the "oversight" on Article 50. He is advising Talabani against vetoing the law. PM Maliki sent a message to parliamentary leaders September 28 urging them and IHEC to find a solution to the minorities issue. In addition, ADM head Yacob Kanna told us that SRSG Staffan de Mistura has requested a meeting for October 1. These indications of determination to solve the minorities issue are a positive sign that a political agreement can be reached that would allow the minorities representation issue, and the provincial elections, to move forward. However, the fact that the election law was passed without Article 50 in the first place tempers our optimism. End Comment.

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